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SENATE BILL 260

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR; PROVIDING THAT BLOOD TEST RESULTS FOR PERSONS WHO RECEIVE MEDICAL TREATMENT FOLLOWING MOTOR VEHICLE ACCIDENTS SHALL BE PROVIDED TO LAW ENFORCEMENT OFFICERS; AMENDING A SECTION OF THE MOTOR VEHICLE CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-8-103 NMSA 1978 (being Laws 1967, Chapter 160, Section 1) is amended to read:

"66-8-103. BLOOD-ALCOHOL TESTS--PERSONS QUALIFIED TO TEST--NOTIFICATION OF RESULTS--RELIEF FROM LIABILITY. --

A. Only a physician, licensed professional nurse or practical nurse or laboratory technician or laboratory technologist employed by a ~~hospital~~ health care facility or physician shall withdraw blood from ~~any~~ a person in the

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1 performance of a blood-alcohol test [~~No such physician, nurse,~~
2 ~~technician or technologist who withdraws blood from any person~~
3 ~~in the performance of a blood-alcohol test that has been~~
4 ~~directed by any police officer or by any judicial or probation~~
5 ~~officer shall be held liable in any civil or criminal action~~
6 ~~for assault, battery, false imprisonment or any conduct of any~~
7 ~~police officer except for negligence, nor shall any person~~
8 ~~assisting in the performance of such a test or any hospital~~
9 ~~wherein blood is withdrawn in the performance of such a test be~~
10 ~~subject to civil or criminal liability for assault, battery,~~
11 ~~false imprisonment or any conduct of any police officer except~~
12 ~~for negligence]~~ when directed to do so by a law enforcement
13 officer, judicial officer or probation officer.

14 B. A health care provider who becomes aware, as a
15 result of a blood test performed in the course of providing
16 medical treatment in a health care facility to a person
17 involved in a motor vehicle accident, that the alcohol
18 concentration in the person's blood is eight one hundredths or
19 more shall notify a law enforcement officer who is present at
20 the health care facility or, if no law enforcement officer is
21 present, the law enforcement agency for the county in which the
22 accident occurred. The notification shall include the name of
23 the person treated, the blood-alcohol level disclosed by the
24 test and the date and time of the test. This notice shall be
25 sufficient probable cause as to the intoxication level of the

1 person tested.

2 C. A health care provider, person assisting the
3 health care provider or health care facility acting pursuant to
4 the provisions of this section shall be immune from civil or
5 criminal liability, other than negligence, based upon
6 compliance with the provisions of this section. A health care
7 provider, person assisting the health care provider or health
8 care facility acting pursuant to the provisions of this section
9 shall also be immune from civil or criminal liability for
10 participating in a subsequent judicial proceeding related to
11 compliance with the provisions of this section."

12 Section 2. EFFECTIVE DATE. --The effective date of the
13 provisions of this act is July 1, 2003.

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